A/51/42

United Nations

Report of the Disarmament Commission

General Assembly

Official Records • Fifty-first Session
Supplement No. 42 (A/51/42)

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United Nations • New York, 1996

NOTE

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ISSN 0251-7892

[Original: English]

[22 May 1996]

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I. INTRODUCTION

1. At its fiftieth session, the General Assembly adopted resolution 50/72 D of 12 December 1995, entitled "Report of the Disarmament Commission", which reads as follows:

"The General Assembly,

"Having considered the annual report of the Disarmament Commission, 1/

"Recalling its resolutions 47/54 A of 9 December 1992, 47/54 G of 8 April 1993, 48/77 A of 16 December 1993 and 49/77 A of 15 December 1994,

"Considering the role that the Disarmament Commission has been called upon to play and the contribution that it should make in examining and submitting recommendations on various problems in the field of disarmament and in the promotion of the implementation of the relevant decisions adopted by the General Assembly at its tenth special session,

"1. Takes note of the annual report of the Disarmament Commission; 1/

"2. Notes with regret that the Disarmament Commission was unable to achieve agreement on guidelines and recommendations under its agenda item entitled 'Process of nuclear disarmament in the framework of international peace and security, with the objective of the elimination of nuclear weapons' and on recommendations under its agenda item entitled 'Review of the Declaration of the 1990s as the Third Disarmament Decade', both of which were concluded in 1995;

"3. Notes the progress made and continuing consideration by the Disarmament Commission of its agenda item entitled 'International arms transfers, with particular reference to General Assembly resolution 46/36 H of 6 December 1991', which is to be concluded in 1996;

"4. Reaffirms the importance of further enhancing the dialogue and cooperation among the First Committee, the Disarmament Commission and the Conference on Disarmament;

"5. Also reaffirms the role of the Disarmament Commission as the specialized, deliberative body within the United Nations multilateral disarmament machinery that allows for in-depth deliberations on specific disarmament issues, leading to the submission of concrete recommendations on those issues;

"6. Encourages the Disarmament Commission to continue to make every effort to enhance its working methods so as to enable it to give focused consideration to a limited number of priority issues in the field of disarmament, bearing in mind the decision it has taken to move its agenda towards a three-item phased approach;

"7. Requests the Disarmament Commission to continue its work in accordance with its mandate, as set forth in paragraph 118 of the Final Document of the Tenth Special Session of the General Assembly, 2/ and with paragraph 3 of Assembly resolution 37/78 H of 9 December 1982, and to that end to make every effort to achieve specific recommendations on the items on its agenda, taking into account the adopted 'Ways and means to enhance the functioning of the Disarmament Commission'; 3/

"8. Recommends that, pursuant to the adopted three-item phased approach, the Disarmament Commission, at its 1995 organizational session, adopt the following items for consideration at its 1996 substantive session:

"(a) International arms transfers, with particular reference to General Assembly resolution 46/36 H of 6 December 1991;

"(b) [to be added]; 4/

"(c) [to be added]; 4/

"9. Requests the Disarmament Commission to meet for a period not exceeding four weeks during 1996 and to submit a substantive report to the General Assembly at its fifty-first session;

"10. Requests the Secretary-General to transmit to the Disarmament Commission the annual report of the Conference on Disarmament, 5/ together with all the official records of the fiftieth session of the General Assembly relating to disarmament matters, and to render all assistance that the Commission may require for implementing the present resolution;

"11. Also requests the Secretary-General to ensure full provision to the Commission and its subsidiary bodies of interpretation and translation facilities in the official languages and to assign, as a matter of priority, all the necessary resources and services, including verbatim records, to that end;

"12. Further requests the Secretary-General to prepare a compilation in the format of a note by the Secretary-General, of all texts of principles, guidelines or recommendations on subject items that have been unanimously adopted by the Disarmament Commission since its inception in 1978;

"13. Decides to include in the provisional agenda of its fifty-first session the item entitled 'Report of the Disarmament Commission'."

2. The Disarmament Commission met at United Nations Headquarters and held three meetings, on 11 December 1995 and 13 March and 19 April 1996 (A/CN.10/PV.197-199), for its organizational session. During that session, the Commission considered questions related to the organization of work for its 1996 substantive session in accordance with the adopted "Ways and means to enhance the functioning of the Disarmament Commission" (A/CN.10/137) and in the light of General Assembly resolution 50/72 D. The Commission took up the question of the election of its officers, taking into account the principle of rotation of the chairmanship among the geographic regions. The Commission considered the provisional agenda for the 1996 substantive session and decided to establish a committee of the whole and working groups to deal with the substantive items on the agenda. The Commission further decided that its next substantive session would be held from 22 April to 7 May 1996.

3. At its organizational session, the Commission noted that at its 1996 substantive session, the item entitled "International arms transfers, with particular reference to General Assembly resolution 46/36 H of 6 December 1991" would be concluded.

II. ORGANIZATION AND WORK OF THE 1996 SUBSTANTIVE SESSION

4. The Disarmament Commission met at United Nations Headquarters from 22 April to 7 May 1996. In the course of its session, the Commission held seven plenary meetings (see A/CN.10/PV.200-206) under the chairmanship of Mr. Wolfgang Hoffmann (Germany). Mr. Kuo-Chung Lin, Senior Political Affairs Officer of the Centre for Disarmament Affairs, Department of Political Affairs, served as Secretary of the Commission.

5. During the 1996 session, the Bureau of the Commission was constituted as follows:

Chairman: Mr. Wolfgang Hoffmann (Germany)

Vice-Chairmen: Representatives of the following States: Colombia, Finland, Nicaragua, Nigeria, Pakistan, Poland, Ukraine and United Republic of Tanzania

Rapporteur: Mr. Rajab Sukayri (Jordan)

6. At its 200th plenary meeting, on 22 April 1996, the Commission considered its provisional agenda, contained in document A/CN.10/L.38, as follows:

1. Opening of the session.

2. Adoption of the agenda.

3. Organization of work.

4. International arms transfers, with particular reference to General Assembly resolution 46/36 H of 6 December 1991.

5. [To be added.]

6. Exchange of views on the fourth special session of the General Assembly devoted to disarmament.

7. Report of the Disarmament Commission to the General Assembly at its fifty-first session.

8. Other business.

7. During the course of the consideration of the provisional agenda, the subject-matter of nuclear-weapon-free zones received overwhelming support by members of the Commission as agenda item 5. However, because of divergent views among a few delegations on the exact wording of the item, no consensus could be reached on the inclusion of that subject as an agenda item.

8. At its 203rd plenary meeting, on 24 April 1996, the Commission adopted its agenda, contained in document A/CN.10/L.38/Rev.1, as follows:

1. Opening of the session.

2. Adoption of the agenda.

3. Organization of work.

4. International arms transfers, with particular reference to General Assembly resolution 46/36 H of 6 December 1991.

5. Exchange of views on the fourth special session of the General Assembly devoted to disarmament.

6. Report of the Disarmament Commission to the General Assembly at its fifty-first session.

7. Other business.

9. At the same meeting, the Commission decided to have only two working groups to deal with the two substantive items (items 4 and 5), as referred to in the agenda (A/CN.10/L.38/Rev.1). Many delegations stated that in view of the overwhelming support by the members of the Disarmament Commission to consider the subject-matter of nuclear-weapon-free zones, this topic should be included in the agenda of the next substantive session of the Disarmament Commission. There was wide agreement on this point.

10. At its 200th meeting, the Commission approved its general programme of work for the session (A/CN.10/1996/CRP.1) and decided to allocate three meetings to a general exchange of views.

11. On 22 and 23 April, the Disarmament Commission held a general exchange of views on all agenda items (see A/CN.10/PV.200-202).

12. In accordance with the decision taken at its 203rd plenary meeting, on 24 April, the Disarmament Commission entrusted Working Group I with the mandate of dealing with agenda item 4, entitled "International arms transfers, with particular reference to General Assembly resolution 46/36 H of 6 December 1991". Working Group I met under the chairmanship of Mr. Gheorghe Chirila (Romania) and held 15 meetings between 23 April and 3 May.

13. The Commission entrusted Working Group II with the mandate of dealing with agenda item 5, entitled "Exchange of views on the fourth special session of the General Assembly devoted to disarmament". Working Group II met under the chairmanship of Mr. Luvsangiin Erdenechuluun (Mongolia) and held 10 meetings between 23 April and 3 May.

14. At its 205th plenary meeting, on 3 May, the Disarmament Commission heard particular views with respect to the work of Working Group II on agenda item 5.

15. The Commission entrusted the Committee of the Whole with the mandate of dealing with agenda item 7 regarding any other business related to the work of the Commission. The Committee of the Whole met under the chairmanship of the Chairman of the Commission and held three meetings between 1 and 7 May.

16. At its 206th plenary meeting, on 7 May, the Disarmament Commission considered the reports of Working Groups I and II as well as of the Committee of the Whole on agenda items 4, 5 and 7, respectively. The reports of the subsidiary bodies of the Commission and the conclusions and recommendations contained therein are included in section IV of the present report.

17. In accordance with past practice of the Disarmament Commission, some non-governmental organizations attended the plenary meetings.

III. DOCUMENTATION

A. Documents submitted by the Secretary-General

18. Pursuant to paragraph 10 of General Assembly resolution 50/72 D, the Secretary-General, by a note dated 1 February 1996, transmitted to the Disarmament Commission the annual report of the Conference on Disarmament 5/ together with all the official records of the fiftieth session of the General Assembly relating to disarmament matters (A/CN.10/192).

B. Other documents, including documents submitted by Member States

19. In the course of the Commission's work, the documents listed below, dealing with substantive questions, were submitted.

20. A working paper entitled "Exchange of views on the fourth special session of the General Assembly devoted to disarmament" was submitted by the United States of America (A/CN.10/1996/WG.II/WP.1).

21. A working paper entitled "Exchange of views on the fourth special session of the General Assembly devoted to disarmament" was submitted by Italy, on behalf of the European Union (A/CN.10/1996/WG.II/WP.2).

22. A working paper entitled "Exchange of views on the fourth special session of the General Assembly devoted to disarmament" was submitted by Indonesia, on behalf of the States Members that are members of the Movement of Non-Aligned Countries and other States (A/CN.10/1996/WG.II/WP.3).

23. A working paper entitled "Exchange of views on the fourth special session of the General Assembly devoted to disarmament" was submitted by Italy, on behalf of the European Union (A/CN.10/1996/WG.II/WP.4).

24. A working paper entitled "Exchange of views on the fourth special session of the General Assembly devoted to disarmament" was submitted by New Zealand (A/CN.10/1996/WG.II/WP.5).

25. A working paper entitled "Exchange of views on the fourth special session of the General Assembly devoted to disarmament" was submitted by the Chairman of Working Group II (A/CN.10/1996/WG.II/WP.6).

26. A number of other informal working papers dealing with substantive questions were also submitted by Member States to the working groups and are referred to in the reports.

IV. CONCLUSIONS AND RECOMMENDATIONS

27. At its 206th plenary meeting, on 7 May, the Disarmament Commission adopted by consensus the reports of its subsidiary bodies and the conclusions and recommendations contained therein regarding agenda items 4, 5 and 7. The Commission agreed to submit the texts of those reports, reproduced below, to the General Assembly.

28. At the same meeting, the Commission adopted, as a whole, its report to the General Assembly at its fifty-first session.

29. The report of Working Group I on agenda item 4 reads as follows:

"Report of Working Group I on agenda item 4

"1. At its 203rd meeting, on 24 April 1996, the Disarmament Commission approved its provisional agenda for the 1996 substantive session (A/CN.10/L.38/Rev.1). It also decided that Working Group I should deal with agenda item 4 entitled 'International arms transfers, with particular reference to General Assembly resolution 46/36 H of 6 December 1991', pursuant to General Assembly resolution 50/72 D of 12 December 1995.

"2. In connection with its work, Working Group I had before it the following documents:

(a) Chairman's working paper; 6/

(b) Conference room paper submitted by the Chairman (A/CN.10/1996/WG.I/CRP.1);

(c) Conference room paper submitted by the Chairman (A/CN.10/1996/WG.I/CRP.2);

(d) Conference room paper submitted by the Chairman (A/CN.10/1996/WG.I/CRP.3).

"3. The Working Group met under the chairmanship of Mr. Gheorghe Chirila (Romania) and held 15 meetings between 23 April and 3 May 1996. Mr. Timur Alasaniya and Ms. Carolyn Cooper of the Centre for Disarmament Affairs, Department of Political Affairs, served as Secretary and Deputy Secretary of the Working Group, respectively.

"4. At the 1st meeting, on 23 April, the Chairman made an introductory statement and submitted to the Working Group the Chairman's working paper contained in the annex to the report of the Commission. 6/

"5. At the same meeting, the Working Group decided to take up the Chairman's paper as a basis for discussion on the subject.

"6. At its 15th meeting, on 3 May, the Working Group adopted by consensus its report on agenda item 4 entitled 'International arms transfers, with particular reference to General Assembly resolution 46/36 H of 6 December 1991' and a text entitled 'Guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of

6 December 1991', which is contained in the annex to the present report" (see annex I).

30. The report of Working Group II on agenda item 5 reads as follows:

"Report of Working Group II on agenda item 5

"1. At its 203rd meeting, on 24 April 1996, the Disarmament Commission approved its provisional agenda for the 1996 substantive session (A/CN.10/L.38/Rev.1). It also decided to allocate to Working Group II agenda item 5 entitled 'Exchange of views on the fourth special session of the General Assembly devoted to disarmament', pursuant to General Assembly resolution 50/72 D.

"2. In connection with its work, Working Group II had before it the following documents:

(a) Working paper submitted by the United States of America (A/CN.10/1996/WG.II/WP.1);

(b) Working paper submitted by Italy, on behalf of the European Union (A/CN.10/1996/WG.II/WP.2);

(c) Working paper submitted by Indonesia, on behalf of the States Members that are members of the Movement of Non-Aligned Countries and other States (A/CN.10/1996/WG.II/WP.3);

(d) Working paper submitted by Italy, on behalf of the European Union (A/CN.10/1996/WG.II/WP.4);

(e) Working paper submitted by New Zealand (A/CN.10/1996/WG.II/WP.5);

(f) Working paper submitted by the Chairman (A/CN.10/1996/WG.II/WP.6).

"3. The Working Group met under the Chairmanship of Mr. Luvsangiin Erdenechuluun (Mongolia) and held 10 meetings, between 23 April and 3 May 1996. The Chairman also conducted a number of informal consultations. Mr. Mohammad Sattar of the Centre for Disarmament Affairs, Department of Political Affairs, served as Secretary of the Working Group. Ms. Agnes Marcaillou, from the same Centre, was Deputy Secretary.

"4. The Working Group devoted three meetings to a general exchange of views on the subject, in which a number of delegations participated.

"5. At its 4th meeting, on 26 April, the Working Group began a more focused consideration of the views and proposals expressed during the previous meetings. In addition to concrete ideas and proposals presented by individual as well as groups of delegations in the course of the general exchange of views on the subject, a working paper was also submitted by the representative of Indonesia, on behalf of the States Members that are members of the Movement of Non-Aligned Countries and other States, to the Working Group for its consideration.

"6. At its 5th meeting, on 30 April, the Working Group continued its discussions.

"7. At its 6th meeting, also on 30 April, the Working Group proceeded to a preliminary discussion of the working papers submitted by the representative of Italy on behalf of the European Union and by the representative of New Zealand.

"8. At its 7th meeting, on 1 May 1996, the Working Group engaged in substantive deliberations on various working papers, as well as ideas and proposals presented to the Working Group by a number of delegations.

"9. At the 8th meeting, on the same day, the Chairman presented a Chairman's non-paper, which had been prepared on the basis of ideas and papers submitted to the Working Group. This paper was the subject of a discussion by the Working Group.

"10. At its 9th meeting, on 2 May, the Working Group continued its consideration of the non-paper and concurred with the Chairman's proposal to revise it and then have it as a working paper annexed to the report of the Working Group (see annex II). In this connection, the Chairman stated that the Chairman's working paper was his sole responsibility and that the views contained therein were without prejudice to the positions of Member States.

"11. At its 10th meeting, on 3 May, the Working Group considered and adopted by consensus its report on the item entitled 'Exchange of views on the fourth special session of the General Assembly devoted to Disarmament'."

31. The report of the Committee of the Whole on agenda item 7 reads as follows:

"Report of the Committee of the Whole

"1. The Disarmament Commission, at its 203rd meeting, on 24 April 1996, adopted the provisional agenda for its 1996 substantive session (A/CN.10/L.38/Rev.1). The Commission entrusted the Committee of the Whole with the mandate of dealing with agenda item 7 regarding any other business related to the work of the Commission.

"2. At its 204th meeting, on 30 April, the Disarmament Commission, upon the request of a large number of delegations, decided to entrust the Committee of the Whole with the task of considering two particular issues:

(a) Tentative dates and duration for the 1997 substantive session of the Disarmament Commission;

(b) Appropriate approaches or mechanism for selecting subject-matters to be included in the agenda of the Disarmament Commission in the future.

"3. The Committee of the Whole met under the chairmanship of the Chairman of the Commission, Mr. Wolfgang Hoffmann (Germany), and held three meetings between 1 and 7 May. The Secretary of the Disarmament Commission, Mr. Lin Kuo-Chung of the Centre for Disarmament Affairs, Department of Political Affairs, served as Secretary of the Committee of the Whole.

"4. At its 1st meeting, on 1 May, the Committee of the Whole took up the question of setting a tentative date for its next substantive session. As a result of consultations, the Committee agreed that the tentative dates

and duration of the 1997 substantive session of the Disarmament Commission would be from 21 April to 12 May 1997, with the understanding that the exact dates for the session would be formally decided at the Commission's organizational session in December 1996.

"5. At the same meeting, the Committee also heard views and received proposals from various delegations with respect to the question of appropriate approaches or mechanism for selecting subject-matters to be included in the agenda of the Disarmament Commission in the future. The Committee decided to request the Secretariat to prepare a list of possible subject-matters for inclusion in the agenda of the Commission, taking into account various proposals made by delegations as well as existing lists on the subject. That list should be organized in the following three categories: (a) nuclear weapons and other weapons of mass destruction; (b) conventional weapons; and (c) other disarmament issues.

"6. At its 2nd meeting, on 2 May, the Committee of the Whole had before it a document entitled 'A composite list of possible items to be included in the agenda of the Disarmament Commission' (A/CN.10/1996/CW/CRP.1), prepared by the Secretariat pursuant to the request of the Committee. In the course of considering the subject-matter contained in the document, the Committee decided to set up an open-ended Consultation Group under the chairmanship of the representative of Indonesia. It was understood that the open-ended Consultation Group would undertake the task of preparing a list of subject-matters that could be included in the agenda of the Disarmament Commission as substantive items, prior to the fifty-first session of the General Assembly.

"7. At its 3rd meeting, on 7 May, the Committee of the Whole considered and adopted by consensus its report on agenda item 7 and also decided to annex the composite list (A/CN.10/1996/CW/CRP.1), as referred to in paragraph 6 above, to the present report" (see annex III).

Notes

1/ Official Records of the General Assembly, Fiftieth Session, Supplement No. 42 (A/50/42).

2/ Resolution S-10/2.

3/ A/CN.10/137 of 27 April 1990.

4/ The new item will be decided by the Disarmament Commission at its 1995 organizational session.

5/ Official Records of the General Assembly, Fiftieth Session, Supplement No. 27 (A/50/27).

6/ Ibid., Fiftieth Session, Supplement No. 42 (A/50/42), annex.

ANNEX I

Guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991

I. INTRODUCTION

1. Arms transfers are a deeply entrenched phenomenon of contemporary international relations. All States have the inherent right to self-defence, as enshrined in the Charter of the United Nations, and consequently the right to acquire arms for their security, including arms from outside sources. However, international transfers of conventional arms have, in recent decades, acquired a dimension and qualitative characteristics which, together with the increase in illicit arms trafficking, give rise to serious and urgent concerns.

2. Arms transfers should be addressed in conjunction with the question of maintaining international peace and security, reducing regional and international tensions, preventing and resolving conflicts and disputes, building and enhancing confidence, and promoting disarmament as well as social and economic development. Restraint and greater openness, including various transparency measures, can help in this respect and contribute to the promotion of international peace and security.

3. The problem of the illicit traffic in arms has a social and humanitarian component in addition to its technical, economic and political dimensions. The human suffering that is caused, inter alia, by the devastating consequences of war, destabilizing violence and conflicts, terrorism, mercenary activities, subversion, drug trafficking, common and organized crime and other criminal actions cannot be ignored. The negative effects of illicit arms trafficking can often be disproportionately large, particularly for the internal security and socio-economic development of affected States. Illicit arms trafficking, which affects many countries and several regions of the world, puts to the test the capacity of States to find a solution to it.

4. Legal, political and technical differences in internal control of armaments and their transfer and, in some cases, inadequacy or absence of such controls can contribute to the growing illicit traffic in arms.

5. International cooperation in curbing illicit arms trafficking and in condemning it will assist in focusing the attention of the international community on this phenomenon and will be an important factor in combating it.

6. The United Nations, in keeping with its overall purposes and principles, has a legitimate interest in the field of arms transfers, recognized by the Charter, which refers specifically to the importance of the regulation of armaments for the maintenance of international peace and security.

7. Illicit arms trafficking is understood to cover that international trade in conventional arms, which is contrary to the laws of States and/or international law.

8. Limitations on arms transfers can be found in international treaties, binding decisions adopted by the Security Council under Chapter VII of the Charter of the United Nations and the principles and purposes of the Charter.

II. SCOPE

9. According to paragraph 1 of General Assembly resolution 43/75 I of 7 December 1988, entitled "International arms transfers", arms transfers in all their aspects deserve serious consideration by the international community. The General Assembly, in paragraph 4 of its resolution 48/75 F of 16 December 1993, of the same title, noted that the Disarmament Commission had included the question of international arms transfers, with particular reference to resolution 46/36 H of 6 December 1991, also of the same title, in the agenda of its substantive session in 1994.

10. In its resolution 46/36 H, the General Assembly called upon all States to give high priority to eradicating illicit arms trafficking in all kinds of weapons and military equipment; urged Member States to exercise effective control over their weapons and military equipment and their arms imports and exports to prevent them from getting into the hands of parties engaged in illicit arms trafficking; and also urged Member States to ensure that they had in place an adequate body of laws and administrative machinery for regulating and monitoring effectively their transfer of arms, to strengthen or adopt strict measures for their enforcement, and to cooperate at the international, regional and subregional levels to harmonize, where appropriate, relevant laws, regulations and administrative procedures as well as their enforcement measures, with the goal of eradicating illicit arms trafficking.

11. Licit transfers of conventional arms can be addressed, inter alia, through national legislative and administrative actions and increased transparency. The objective in the case of illicit arms trafficking must be the eradication of this phenomenon.

12. All stages of illicit arms trafficking should be the focus of scrutiny. An essential factor in eradicating illicit arms trafficking is the effective control of arms to prevent them from being acquired by unauthorized persons.

III. PRINCIPLES

13. In their efforts to control their international arms transfers and to prevent, combat and eradicate illicit arms trafficking, States should bear in mind the principles listed below.

14. States should respect the principles and purposes of the Charter of the United Nations, including the right to self-defence; the sovereign equality of all its Members; non-interference in the internal affairs of States; the obligation of Members to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State; the settlement of disputes by peaceful means; and respect for human rights; and continue to reaffirm the right of self-determination of all peoples, taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, and recognize the right of peoples to take legitimate action in accordance with the Charter of the United Nations to realize their inalienable right of self-determination. This shall not be construed as authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without distinction of any kind.

15. States should recognize the need for transparency in arms transfers.

16. States should recognize the responsibility to prohibit and eradicate illicit arms trafficking and the need for measures to achieve this end, taking into account the inherently clandestine nature of this traffic.

17. States, whether producers or importers, have the responsibility to seek to ensure that their level of armaments is commensurate with their legitimate self-defence and security requirements, including their ability to participate in United Nations peace-keeping operations.

18. States have responsibilities in exercising restraint over the production and procurement of arms as well as transfers.

19. Economic or commercial considerations should not be the only factors in international arms transfers. Other factors include, inter alia, the maintenance of international peace and security and efforts aimed at easing international tensions, promoting social and economic development, peacefully resolving regional conflicts, preventing arms races and achieving disarmament under effective international control.

20. Arms-producing or supplier States have a responsibility to seek to ensure that the quantity and level of sophistication of their arms exports do not contribute to instability and conflict in their regions or in other countries and regions or to illicit trafficking in arms.

21. States receiving arms have an equivalent responsibility to seek to ensure that the quantity and the level of sophistication of their arms imports are commensurate with their legitimate self-defence and security requirements and that they do not contribute to instability and conflict in their regions or in other countries and regions or to illicit trafficking in arms.

22. International arms transfers should not be used as a means to interfere in the internal affairs of other States.

IV. WAYS AND MEANS

A. National

23. States should ensure that they have an adequate system of national laws and/or regulations and administrative procedures to exercise effective control over armaments and the export and import of arms in order, among other goals, to prevent illicit arms trafficking.

24. States should scrutinize their national arms-control legislation and procedures and, where necessary, strengthen them in order to increase their effectiveness in preventing the illegal production, trade in and possession of arms in their territory that can lead to illicit arms trafficking.

25. States should intensify their efforts to prevent corruption and bribery in connection with the transfer of arms. States should make all efforts to identify, apprehend and bring to justice all those involved in illicit arms trafficking.

26. States should establish and maintain an effective system of export and import licences for international arms transfers with requirements for full supporting documentation.

27. The exporting State should seek to obtain an import certificate from the receiving State covering the exported arms. The receiving State should seek to ensure that imported arms are covered by a certified licence of the authorities in the supplying State.

28. The use of small arms and light weapons in conflicts and war has a major bearing on regional and international peace and security and national stability. The alarming dissemination and illicit transfer of such weapons and the serious threat they pose require States to ensure strong and effective supervision of all aspects of trade in such weapons.

29. States should provide for adequate numbers of customs officials adequately trained to enforce the necessary regulations over the export and import of arms.

30. States should define, in accordance with their national laws and regulations, which arms are permitted for civilian use and which may be used or possessed by the military and police forces.

31. In developing practical measures at the national level, States should take into account and apply, as appropriate, the relevant recommendations of Interpol.

32. States should recognize that combating illicit arms trafficking and reducing those potentially negative aspects of the arms trade require reciprocal commitments by producer and recipient countries, including through defence-conversion programmes and by way of refraining from destabilizing accumulations of armaments.

B. International

33. All arms-transfer agreements and arrangements, in particular between Governments, should be designed so as to reduce the possibility of diversion of arms to unauthorized destinations and persons. In this context, a requirement by the exporter for import licences or verifiable end-use/end-user certificates for international arms transfers is an important measure to prevent unauthorized diversion.

34. States should cooperate at the bilateral and multilateral levels as appropriate to share relevant customs information on trafficking in and detection of illicit arms and coordinate intelligence efforts. In this context, States should endeavour to ensure effective control of borders with a view to preventing illicit arms trafficking.

35. States should intensify international cooperation in the relevant field of criminal law. They should assist each other in the development and enforcement of effective national controls, with a view to curbing the evasion of justice by illicit arms traffickers.

36. In order to help combat illicit arms trafficking, States should make efforts to develop and enhance the application of compatible standards in their legislative and administrative procedures for regulating the export and import of arms.

37. States have a legal obligation to comply strictly with sanctions and arms embargoes imposed by the Security Council under the authority of Chapter VII of the Charter of the United Nations.

38. States should report all relevant transactions in their annual reports to the Register of Conventional Arms as an important confidence-building measure. Those States which do not yet provide annual reports to the Register are strongly encouraged to do so. States should also consider developing additional transparency measures at the regional, subregional and national levels as well as unilateral transparency measures.

39. States should maintain strict regulations on the activities of private international arms dealers and cooperate to prevent such dealers from engaging in illicit arms trafficking.

V. INSTITUTIONAL ARRANGEMENTS

A. Role of the United Nations

40. The United Nations has an important role to play in the field of international arms transfers and the eradication of illicit arms trafficking in accordance with its overall purposes and principles. The cooperation of the international community is essential for the United Nations to be successful in these endeavours.

41. By its resolution 43/75 I of 7 December 1988, the General Assembly expressed its conviction that arms transfers in all their aspects deserve serious consideration by the international community, inter alia, because of: (a) their potential effects in areas where tension and regional conflict threaten international peace and security and national security; (b) their known and potential negative effects on the process of the peaceful social and economic development of all peoples; and (c) increasing illicit and covert arms trafficking.

42. Subsequently, pursuant to that resolution, the Secretary-General submitted a study (A/46/301, annex), prepared with the assistance of governmental experts, on ways and means of promoting transparency in international transfers of conventional arms on a universal and non-discriminatory basis, taking into consideration the views of Member States and other relevant information, including information on the problem of illicit arms trafficking. A number of the recommendations made in the study were taken up subsequently in General Assembly resolutions 46/36 H and 46/36 L, of 6 and 9 December 1991 respectively.

43. By its resolution 46/36 L, entitled "Transparency in armaments", the General Assembly requested the Secretary-General to establish and maintain a universal and non-discriminatory Register of Conventional Arms. It, inter alia, called upon all Member States to provide data on imports and exports of arms and invited them, pending the expansion of the Register, also to provide available background information on military holdings, procurement through national production and relevant policies.

44. Transparency measures concerning arms transfers are not in themselves measures of limitation or restriction, but they can in several ways promote and facilitate the introduction of unilateral or multilateral measures of restraint as well as help in the detection of arms transferred illegally. The United Nations, the Conference on Disarmament and other appropriate international

forums should continue to play an important part in the elaboration and adoption of transparency measures in the field of arms transfers, including the possible improvement of the Register.

45. The adoption by consensus of resolution 46/36 H reflects the concern of the international community over the increasing illicit arms trafficking, which, by its clandestine nature, defies transparency. This kind of trafficking represents one of the major problems for the authorities of many countries which attempt to free their territories from the criminal use of arms and the consequences it has for peace and stability. Under that resolution, the Secretary-General was given the mandate for the promotion of efforts to eradicate illicit trafficking in arms.

46. By its resolution 46/36 H, the General Assembly, inter alia, called upon all States to give high priority to eradicating illicit arms trafficking in all kinds of weapons and military equipment, a most disturbing and dangerous phenomenon often associated with terrorism, drug trafficking, organized crime and mercenary and other destabilizing activities, and to take urgent action towards that end, as recommended in the study submitted by the Secretary-General.

47. By its resolution 48/75 F of 16 December 1993, the General Assembly recognized that illicit arms trafficking is a disturbing, dangerous and increasingly common phenomenon and that, with the technical sophistication and destructive capability of conventional weapons, the destabilizing effects of illicit arms trafficking increase. The Assembly also called upon all Member States to give priority to eradicating the illicit arms trafficking associated with destabilizing activities, such as terrorism, drug trafficking and common criminal acts, and to take immediate action towards that end.

48. By its resolution 50/70 B of 12 December 1995, entitled "Small arms", the General Assembly requested the Secretary-General to prepare, within the existing resources, a report, with the assistance of a panel of qualified governmental experts, on the question of small arms and light weapons in all its aspects.

49. And by its resolution 50/70 H, entitled "Assistance to States for curbing the illicit traffic in small arms and collecting them", the General Assembly invited the international community to give appropriate support to the efforts made by the affected countries to suppress the illicit circulation of small arms, which is likely to hamper their development.

B. Other institutional arrangements

50. States should continue to use and further develop mechanisms for the exchange of information at the global, regional and subregional levels in order to assist institutions engaged in the control, tracking and seizure of arms in making full-scale efforts to eradicate illicit arms trafficking.

ANNEX II

Chairman's working paper

Introduction

1. The General Assembly, in its resolution 49/75 I of 15 December 1994, adopted without a vote, decided, in principle, to convene the fourth special session of the General Assembly devoted to disarmament. There is general support for convening this special session. The Disarmament Commission decided to include in the agenda of its 1996 substantive session an item entitled "Exchange of views on the fourth special session of the General Assembly devoted to disarmament". It is generally accepted that the consideration of this item by the Commission should not substitute for the work of the Preparatory Committee, which will meet at a later date. There is a wide agreement that the exact date for the convening of the special session should be decided by the General Assembly at its fifty-first session. As the importance of holding a new special session is widely recognized, thorough and adequate preparation is viewed as a significant condition for its successful conclusion. In that connection, the procedures set for and followed by the first special session devoted to disarmament and subsequent special sessions shall be followed for the fourth special session.

Objectives

2. Since the first special session, the world has gone through dramatic changes, and the events which have occurred in the field of disarmament and international security are unprecedented. In the aftermath of the end of the cold-war era and on the eve of the twenty-first century, the convening of the fourth special session will provide the international community with a unique opportunity to assess the past in order to prepare better for the future. For an agreed, positive and forward-looking disarmament programme to be adopted, there is a need to draw lessons from past endeavours and preserve and build upon the positive achievements of the first special session; there will also be a need to take stock of some fundamental changes, and to identify new problems and ways and means to solve them, with a view to arriving at a mutually agreed programme of action for the future. For such an exercise to be comprehensive, all issues pertaining to disarmament and international security, including the disarmament machinery, will have to be addressed.

3. During the discussion in Working Group II, some delegations put forward specific proposals in regard to substantive issues for consideration by the Preparatory Committee for the fourth special session. These proposals are contained in working papers submitted to the Working Group.

ANNEX III

Composite list of possible items to be included in the agenda of the Disarmament Commission

(Prepared by the Secretariat)

I. NUCLEAR WEAPONS AND OTHER WEAPONS OF MASS DESTRUCTION

- Non-proliferation of nuclear weapons in all its aspects, including regional approaches such as nuclear-weapon-free zones
- Non-proliferation of nuclear weapons in all its aspects, including regional approaches as agreed upon in the Disarmament Commission in 1993
- Elimination of nuclear weapons as enshrined in the first special session of the General Assembly devoted to disarmament, including through nuclear-weapon-free zones
- General guidelines on nuclear-weapon-free zones within the context of general and complete disarmament under effective international control
- General guidelines on nuclear-weapon-free zones within the context of the ultimate goal of nuclear disarmament
- General guidelines on nuclear-weapon-free zones within the context of a world free from all weapons of mass destruction
- Non-proliferation of nuclear weapons in all its aspects and nuclear disarmament
- Nuclear disarmament and non-proliferation of nuclear weapons in all its aspects, including, *inter alia*, global and regional approaches
- Non-proliferation of nuclear weapons in all its aspects, including regional approaches
- Guidelines on non-proliferation in all its aspects of weapons of mass destruction, including nuclear weapons
- Non-proliferation of weapons of mass destruction, particularly nuclear weapons in all its aspects, and nuclear disarmament
- Guidelines on non-proliferation in all its aspects of weapons of mass destruction, including establishing zones free of those weapons
- Exchange of views on nuclear-weapon-free zones
- Principles and guidelines for the cut-off of fissile materials for weapons purposes
- Legally binding measures on security assurances to address concerns of non-nuclear-weapon States
- Non-first use and prohibition of use of nuclear weapons conventions

- Non-proliferation of nuclear weapons and its vectors in all its aspects

- Elimination of nuclear weapons as enshrined in the first special session devoted to disarmament, including the establishment of nuclear-weapon-free zones

- Non-proliferation of weapons of mass destruction, in all its aspects

- The legacy and continuing danger to the global environment and security by nuclear weapons and nuclear propulsion operations

- Principles and guidelines for the prohibition of production of fissile materials for weapons purposes

- Steps towards a comprehensive nuclear disarmament programme as agreed in the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

- Evaluation and perspectives of the Amendment Conference of the States Parties to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water

- General principles and guidelines for the nuclear-weapon-free zones or zones of peace

- Further measures on security assurances for non-nuclear-weapon States

- Non-first use and prohibition of use of nuclear weapons

- General guidelines on non-proliferation of conventional weapons and/or weapons of mass destruction

- Negotiations on a convention to prohibit the use or the threat of use of nuclear weapons

- Elaboration of a phased programme for the progressive reduction of nuclear weapons stockpiles within agreed time-frames leading to their complete elimination

- Negotiations for a treaty eliminating all nuclear weapons, including the utilization of fissile material released for peaceful purposes only and subject to International Atomic Energy Agency safeguards

II. CONVENTIONAL WEAPONS

- Norms of conduct regarding conventional weapons

- Appropriate measures for micro-disarmament

- General guidelines on non-proliferation of conventional weapons and/or weapons of mass destruction

- Conventional weapons and their norms of conduct

- General guidelines on non-proliferation of conventional weapons

- Multilateral norms of conduct regarding conventional weapons

- Appropriate measures for micro-disarmament at regional and interregional levels

- Conventional disarmament, the supply side

- Technology transfers on conventional weapons

- The cessation of the conventional arms race and its implications on technological and economic aspects

- Policies for disposal of arms surpluses and overproduction of conventional weapons, including its destruction

- A comprehensive study on activities of illegal arms dealers

- Evaluation of the United Nations Register of Conventional Arms and perspectives on its expansion

- Measures towards the global banning of all kinds of mines

- Micro-disarmament

- Small arms

- Anti-personnel land-mines, inter alia: elimination, land-mine-free zones, other measures

- Code of conduct

- Effective ways and means of halting the illicit transfer and proliferation of small and light weapons

III. OTHER DISARMAMENT ISSUES

- Zones of peace

- The relationship between disarmament and humanity

- Principles and guidelines for the inclusion of environmental standards for negotiations and implementation for arms control and disarmament agreements

- Confidence-building in outer space

- The relationship between disarmament and arms control measures and peace-keeping, peacemaking and peace-building operations

- The role of science and technology in the context of international security, disarmament and other related fields

- Consideration of the fourth special session of the General Assembly devoted to disarmament

- The relationship between disarmament and the environment

- Disarmament and humanity

- Multilaterally negotiated guidelines for the transfer of sensitive technologies for peaceful purposes

- Confidence-building measures at multilateral and interregional levels

- Disarmament, demobilization, reconversion and sustainable security

- Zones of peace and cooperation

- The relationship between disarmament and human development

- The reconversion of the military industry for peaceful purposes and its impact on the global development of science and technology